

# **EXHIBIT B**

## FARNEY DANIELS PC

Austin/Georgetown  
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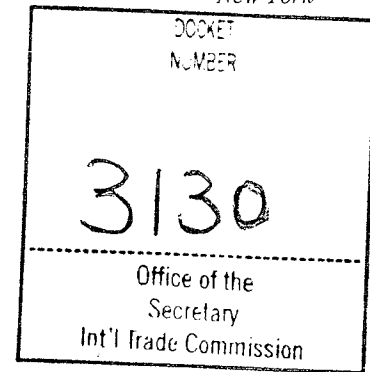
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March 24, 2016

The Honorable Lisa R. Barton  
Secretary to the Commission  
U.S. International Trade Commission  
500 E Street, S.W.  
Washington, D.C. 20436



Re: Complaint under 19 U.S.C. § 1337: *In the Matter of Certain Portable Electronic Devices and Components Thereof*, Inv. No. 337-TA-\_\_\_\_

Dear Secretary Barton:

Enclosed for filing on behalf of Complainants Creative Technology Ltd. and Creative Labs, Inc. (collectively "Creative") are the following documents in support of Creative's request that the Commission commence an investigation under Section 337 of the Tariff Act of 1930, as amended. A request for confidential treatment of **Confidential Exhibit 3** is included with this filing.

Accordingly, Creative submits the following documents:

1. An unbound original and eight (8) bound copies of the verified Complaint and the Statement of Public Interest;
2. One (1) copy of the non-confidential exhibits to the Complaint on CD-ROM;
3. A letter and certification requesting confidential treatment of **Confidential Exhibit 3**;
4. One (1) copy of **Confidential Exhibit 3** to the Complaint on CD-ROM;
5. Nineteen (19) additional copies of the verified Complaint and nineteen (19) additional CD-ROMs that contain the accompanying non-confidential exhibits, and nineteen (19) additional copies of the Statement of Public Interest for service upon the Respondents;
6. Nineteen (19) additional copies of **Confidential Exhibit 3** on CD-ROM for service on Respondents once appropriate subscriptions to a protective order have been filed;

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

In the Matter of

CERTAIN PORTABLE ELECTRONIC  
DEVICES AND COMPONENTS  
THEREOF

Investigation No. 337-TA-\_\_\_\_\_

COMPLAINT UNDER  
SECTION 337 OF THE TARIFF ACT OF 1930, AS AMENDED

COMPLAINANTS:

Creative Technology Ltd.  
31 International Business Park  
#03-01 Creative Resource  
Singapore 609921  
Telephone: +65 6895 4000

Creative Labs, Inc.  
1901 McCarthy Boulevard  
Milpitas, CA 95035  
Telephone: (408) 428-6600

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PROPOSED RESPONDENTS:

ZTE Corporation  
ZTE Plaza  
No. 55 Hi-Tech Road South Hi-Tech Industrial  
Park  
Shenzhen 518057  
Guangdong, China

ZTE (USA) Inc.  
2425 N. Central Expressway #323  
Richardson, TX 75080

Sony Corporation  
1-7-1 Konan, Minato-ku,  
Tokyo 108-0075, Japan

Sony Mobile Communications, Inc.  
W-building 1- 8-15 Konan 1-chome  
Minato-ku  
Tokyo 108-0075, Japan

Sony Mobile Communications AB  
(Mailing Address)  
Sölvegatan 51,  
223 62 Lund, Sweden  
(Visiting Address)  
Mobilvägen 4,  
221 88 Lund, Sweden

ORIGINAL

Sony Mobile Communications (USA), Inc.  
3333 Piedmont Rd NE #600  
Atlanta, GA 30305

Samsung Electronics Co., Ltd.  
1320-10, Seocho 2-dong Seocho-gu  
Seoul, Republic of Korea

Samsung Electronics America, Inc.  
85 Challenger Rd.  
Ridgefield Park, NJ 07660

Samsung Telecommunications America, LLC  
1301 East Lookout Drive  
Richardson, TX 75082

LG Electronics, Inc.  
LG Twin Towers, 20 Yeouido-dong,  
Yeongdeungpo-gu  
Seoul 150-721, Republic of Korea

LG Electronics U.S.A., Inc.  
1000 Sylvan Avenue  
Englewood Cliffs, NJ 07632

LG Electronics Mobilecomm U.S.A., Inc.  
10101 Old Grove Road  
San Diego, CA 92131

Lenovo Group Ltd.  
Shangdi Information Industry Base  
No. 6 Chuang Ye Road, Haidan District  
100085 Beijing, China

Lenovo (United States) Inc.  
1009 Think Place  
Morrisville, NC 27650

Motorola Mobility LLC  
222 W. Merchandise Mart Plaza, Suite 1800  
Chicago, IL 60654

HTC Corporation  
23 Xinghua Road  
Taoyuan 330, Taiwan

HTC America, Inc.  
13920 SE Eastgate Way, Suite #200  
Bellevue, WA 98005

Blackberry Ltd.  
2200 University Ave. E  
Waterloo, Ontario  
Canada N2K 0A7

Blackberry Corporation  
5000 Riverside Drive, Suite 100E  
Irving, Texas 75039

35. Excited by the market potential and need for a user interface for organizing, navigating and accessing music on portable electronic devices, Creative seized the opportunity to invent a solution – a way to manage a large amount of music in a manner that allows end users to access songs in a logical and user-friendly manner through sequential steps displayed on the small screen of a portable electronic device. After months of ongoing work and development, a team of Creative’s engineers in Scotts Valley, California invented a user-friendly interface that simplified navigation on portable electronic devices. This now-patented invention is directed to methods of accessing media tracks (e.g., music) stored on a portable electronic device by navigating through a hierarchical categorization such as artist, artist name, and song title or genre, genre type, and song title.

36. Eager to market and benefit from the invention, Creative announced its anticipated release of the NOMAD Jukebox and presented the first prototype devices at the Consumer Electronics Show (CES) in January 2000. With a 6GB storage capacity, the Creative NOMAD Jukebox could store more than 100 hours of digital media and up to 1,000 songs. More importantly, the NOMAD Jukebox used the revolutionary accessing methods claimed in the ‘433 Patent to provide users with a convenient interface for managing and accessing all those songs. The NOMAD Jukebox and the user interface encompassed by the ‘433 Patent set the standard for this new industry of portable media players.

37. On January 16, 2001, Creative announced that it had already shipped 100,000 units of the NOMAD Jukebox portable electronic device. By 2006, Creative’s portable electronic devices featuring its patented user interface had won numerous prestigious awards worldwide, including: The “Best of CES” awards in 2004, 2005 and 2006 and the overall “Best in Show” award at CES in 2006; Best of Show awards in each of the first two, 2004 and 2005,

illustrative only and are not intended to restrict the accused products and/or the scope of this investigation.

#### **IX. DOMESTIC INDUSTRY**

130. In accordance with Section 337(a)(2) and (a)(3), a domestic industry exists or is in the process of being established in the United States in connection with the Asserted Patent. Specifically, the domestic industry in the United States for products covered by the Asserted Patent has been developed by Creative's licensee under the Asserted Patent.

##### **A. Licensee Activities in the United States**

131. Creative has granted a license to practice the Asserted Patent to Apple, Inc., a California company, which has established a domestic industry in the United States relating to the Asserted Patent.

132. Apple—a market leader of portable electronic devices—has made extensive use of the inventions claimed in the Asserted Patent. Apple has sold and continues to sell iPod and iPhone products in the United States that practice the inventions of the Asserted Patent (the “Apple Licensed Products”).

133. Images of examples of the Apple Licensed Products are attached hereto as **Exhibit 13**. Claim charts showing that the Apple Licensed Products practice at least claim 5 of the Asserted Patent are attached hereto as **Exhibit 14**.

134. Creative is informed and believes, and thereon alleges, that Apple has made and continues to make significant investments in plant and equipment and to employ significant labor and capital in the United States with respect to the Apple Licensed Products. Additionally, Creative is informed and believes, and thereon alleges, that Apple has made and continues to make substantial investments in exploitation of the Asserted Patent in the United States including research, development, and engineering of the Apple Licensed Products. For example, Apple is

devices and components thereof that infringe one or more asserted claims of Creative's United States Patent No. 6,928,433;

(e) Impose a bond upon Proposed Respondents who continue to import infringing articles during the 60-day Presidential review period per 19 U.S.C. § 1337(j); and

(f) Grant such other and further relief as the Commission deems just and proper based on the facts determined by the investigation and the authority of the Commission.

Dated: March 24, 2016

Respectfully submitted,

By: 

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